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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

IN THE MATTER OF

ROBERT ARMENTO, D.D.S.

LICENSED TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

Administrative Action

ORDER

This matter was opened to the New Jersey State Board of Dentistry ("the Board") upon a Complaint filed by the Attorney General with the Board on November 17, 1998 seeking the suspension or revocation of the dental license of Robert Armento, D.D.S. ("respondent") based on a 1994 federal criminal conviction for Conspiracy to Offer a Gratuity to a Public Official.

On April 27, 1999 the Attorney General filed a motion for summary decision in this matter arguing that since the Complaint sought the suspension or revocation of respondent's license based on the fact of his federal criminal conviction, that the criminal conduct was, as a matter of law, a crime of moral turpitude and related adversely to the practice of dentistry and finally, that the commission of the crime represented professional misconduct, there were no genuine issues of material fact requiring an evidentiary proceeding.

In July, 1999 counsel for Dr. Armento, Stephen H. Skoller, Esq., filed opposition to the Attorney General's motion and a cross-motion for dismissal of the Complaint. Respondent argued that his crime was not one of moral turpitude because it was not of a base, vile or depraved nature, or one which related adversely to the practice of dentistry because it did not arise out of and relate directly to the practice of dentistry. He additionally moved for a dismissal of the complaint because the events which formed the basis of the conviction happened over ten years ago and the plea was entered over five years ago and thus, the principle of fairness should not require respondent to recall and respond to the events which transpired.

The parties appeared before the Board on September 1, 1999 for oral argument on the motions. The Board rendered a decision on that date on the parties' motions, however, a decision regarding penalty was withheld pending the receipt of submissions from the parties stating their positions with respect to the penalty that should be imposed and any mitigating evidence which respondent felt should be considered by the Board.

Submissions were received and reviewed by the Board and on March 1, 2000, the Board heard oral argument on the issue of penalty.

After considering all the papers filed in this matter, including the complaint, answer and all papers filed in support of the parties' motions and their positions on penalty, after having

heard oral argument and considered the seriousness of the federal criminal conviction and the Boards obligation to ensure the integrity of the dental profession, and in consideration of the criminal penalty already imposed, the Board makes the following findings of fact:

FINDINGS OF FACT

1. Individuals licensed to practice dentistry must be of good moral character pursuant to N.J.S.A. 45:6-3 and N.J.A.C. 13:30-1.2(b)7.

2. Respondent was convicted of a serious federal crime which, as a matter of law, relates adversely to the practice of dentistry in that the fact of a federal criminal conviction reflects on the moral character of a licensee and tarnishes that licensees' reputation, further reflects upon the profession of dentistry in general and taints the public's perception of and confidence in that profession. This conduct forms the basis for discipline pursuant to N.J.S.A. 45:1-21(f).

3. Given that the Board has made its' determination based on the fact of the criminal conviction, the passage of time in this matter since the conviction in 1994 has not prejudiced respondent in any way.

IT IS, THEREFORE, ON THIS ²¹ DAY OF AUGUST, 2000,

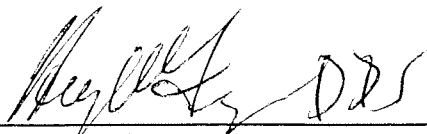
HEREBY ORDERED THAT:

1. Respondent's motion for dismissal of the complaint is hereby denied and the State's motion for summary decision is granted.

2. Respondent's license to practice dentistry in the State of New Jersey is hereby suspended for a period of three years from the date of entry of this Order. The entire period of suspension shall be stayed and served as a period of probation.

3. Respondent shall pay a civil penalty in the amount of \$1,000.00 within fourteen days of the filing of this Order by certified check or money order payable to the State of New Jersey and mailed to Kevin B. Earle, Executive Director, 124 Halsey Street, P.O. Box 45005, Newark, New Jersey 07101.

4. Respondent shall pay the costs associated with the investigation of this matter in the amount \$239.88 to be paid within fourteen days of the filing of this Order by certified check or money order payable to the State of New Jersey and mailed to Kevin B. Earle, Executive Director, at the address above.


Henry Finger, D.D.S., President
State Board of Dentistry